

## Bureau of Export Administration, Commerce

## § 762.3

person and shall produce them in a manner provided by § 762.6 of this part.

### § 762.2 Records to be retained.

(a) *Records required to be retained.* The records required to be retained under this part 762 include the following:

- (1) Export control documents, as defined in part 772 of the EAR;
- (2) Memoranda;
- (3) Notes;
- (4) Correspondence;
- (5) Contracts;
- (6) Invitations to bid;
- (7) Books of account;
- (8) Financial records;
- (9) Restrictive trade practice or boycott documents and reports, and
- (10) Other records pertaining to the types of transactions described in § 762.1(a) of this part, which are made or obtained by a person described in § 762.1(b) of this part.

(b) *Records retention references.* Paragraph (a) of this section describes records that are required to be retained. Other parts, sections, or supplements of the EAR which require the retention of records or contain recordkeeping provisions, include, but are not limited to the following:

- (1) Part 736, General Prohibitions;
- (2) § 732.6, Steps for other requirements;
- (3) § 740.1, Introduction (to License Exceptions);
- (4) § 742.12(a)(3), High Performance Computers;
- (5) Supplement No. 3 to part 742 High Performance Computers, Safeguards and Related Information;
- (6) § 742.15;
- (7) § 740.7, Humanitarian donations (NEED);
- (8) § 748.4(a), Disclosure and substantiation of facts on license applications;
- (9) § 748.6, General instructions for license applications;
- (10) § 748.9, Support documents for license applications;
- (11) § 748.10, Import and End-user Certificates;
- (12) § 748.11, Statement by Ultimate Consignee and Purchaser;
- (13) § 748.13, Delivery Verification (DV);
- (14) § 748.2(c), Obtaining forms; mailing addresses;

(15) § 750.7, Issuance of license and acknowledgment of conditions;

(16) § 750.8, Revocation or suspension of license;

(17) § 750.9, Duplicate licenses;

(18) § 750.10, Transfer of licenses for export;

(19) § 752.7, Direct shipment to customers;

(20) § 752.9, Action on SCL applications;

(21) § 752.10, Changes to the SCL;

(22) § 752.11, Internal Control Programs;

(23) § 752.12, Recordkeeping requirements;

(24) § 752.13, Inspection of records;

(25) § 752.14, System reviews;

(26) § 752.15, Export clearance;

(27) § 754.2(j)(3), Recordkeeping requirements for deep water ballast exchange.

(28) § 754.4, Unprocessed western red cedar;

(29) § 758.1(h), Record and proof of agent's authority;

(30) § 758.1 and § 758.2, Shipper's Export Declaration or Automated Export System record;

(31) § 758.6, Destination control statements;

(32) § 760.6, Restrictive Trade Practices and Boycotts;

(33) § 762.2, Records to be retained;

(34) § 764.2, Violations;

(35) § 764.5, Voluntary self-disclosure; and

(36) § 766.10, Subpoenas;

(37) § 743.1, Wassenaar reports;

(38) § 748.14, Exports of firearms;

(39) § 745.1, Annual reports;

(40) § 745.2, End-use certificates; and

(41) § 758.2(c), Assumption writing.

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### § 762.3 Records exempt from recordkeeping requirements.

(a) The following types of records have been determined to be exempt from the recordkeeping requirement procedures:

- (1) Export information page;
- (2) Special export file list;
- (3) Vessel log from freight forwarder;
- (4) Inspection certificate;
- (5) Warranty certificate;

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- (6) Guarantee certificate;
  - (7) Packing material certificate;
  - (8) Goods quality certificate;
  - (9) Notification to customer of advance meeting;
  - (10) Letter of indemnity;
  - (11) Financial release form;
  - (12) Financial hold form;
  - (13) Export parts shipping problem form;
  - (14) Draft number log;
  - (15) Expense invoice mailing log;
  - (16) Financial status report;
  - (17) Bank release of guarantees;
  - (18) Cash sheet;
  - (19) Commission payment back-up;
  - (20) Commissions payable worksheet;
  - (21) Commissions payable control;
  - (22) Check request forms;
  - (23) Accounts receivable correction form;
  - (24) Check request register;
  - (25) Commission payment printout;
  - (26) Engineering fees invoice;
  - (27) Foreign tax receipt;
  - (28) Individual customer credit status;
  - (29) Request for export customers code forms;
  - (30) Acknowledgement for receipt of funds;
  - (31) Escalation development form;
  - (32) Summary quote;
  - (33) Purchase order review form;
  - (34) Proposal extensions;
  - (35) Financial proposal to export customers;
- and
- (36) Sales summaries.
  - (b) [Reserved]

[61 FR 12900, Mar. 25, 1996, as amended at 62 FR 25469, May 9, 1997]

#### § 762.4 Original records required.

The regulated person must maintain the original records in the form in which that person receives or creates them unless that person meets all of the conditions of § 762.5 of this part relating to reproduction of records. If the original record does not meet the standards of legibility and readability described in § 762.5 of this part and the regulated person intends to rely on that record to meet the recordkeeping requirements of the EAR, that person must retain the original record.

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#### § 762.5 Reproduction of original records.

(a) The regulated person may maintain reproductions instead of the original records provided all of the requirements of paragraph (b) of this section are met.

(b) In order to maintain the records required by § 762.2 of this part, the regulated persons defined in § 762.1 of this part may use any photographic, photo-static, miniature photographic, micrographic, automated archival storage, or other process that completely, accurately, legibly and durably reproduces the original records (whether on paper, microfilm, or through electronic digital storage techniques). The process must meet all of the following requirements, which are applicable to all systems:

(1) The system must be capable of reproducing all records on paper.

(2) The system must record and be able to reproduce all marks, information, and other characteristics of the original record, including both obverse and reverse sides of paper documents in legible form.

(3) When displayed on a viewer, monitor, or reproduced on paper, the records must exhibit a high degree of legibility and readability. (For purposes of this section, legible and legibility mean the quality of a letter or numeral that enable the observer to identify it positively and quickly to the exclusion of all other letters or numerals. Readable and readability mean the quality of a group of letters or numerals being recognized as complete words or numbers.)

(4) The system must preserve the initial image (including both obverse and reverse sides of paper documents) and record all changes, who made them and when they were made. This information must be stored in such a manner that none of it may be altered once it is initially recorded.

(5) The regulated person must establish written procedures to identify the individuals who are responsible for the operation, use and maintenance of the system.

(6) The regulated person must establish written procedures for inspection and quality assurance of records in the